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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,669	08/01/2003	Greg T. Mrozek	H0005324	2691

7590 01/24/2005

Honeywell International Inc.  
Patent Services Group  
101 Columbia Road  
Morristown, NJ 07962

EXAMINER
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JOYCE, HAROLD

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/632,669

Applicant(s)

MROZEK ET AL.

Examiner

Harold Joyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u>             |

Continuation of Attachment(s) 6). Other: English translation of JP, 4 pages.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 8, 14, 18-20 and 22-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the Japanese patent ('660).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8, 13, 15, 16 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of the Japanese patent ('660). Parker discloses the claimed invention except it is not clear whether the stepping motor is directly coupled to the vane. The Japanese patent ('660) teaches that it is known to couple a stepping motor directly to a valve as set forth in the Synopsis. It would have been obvious to one having ordinary skill in the art at the time the invention was made for the stepping motor of Parker to be directly coupled to the damper, as taught by the Japanese patent ('660) in order to drive the damper from a fully open position to a fully closed position.

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5. Claims 3, 4, 9-12, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of the Japanese patent ('660) as applied to claims 1, 2, 8, 13, 15 and 16 above, and further in view of Danby. Parker discloses the claimed invention except for the stepper motor having at least 48 steps per revolution. Danby teaches that it is known to provide a stepper motor having 48 counts per complete revolution to open and close a valve as set forth at column 9, line 44 to column 10, line 8. It would have been obvious to one having ordinary skill in the art at the time the invention was made for the stepper motor of Parker to have at least 48 steps per revolution, as taught by Danby in order to open and closed the damper.

6. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of the Japanese patent ('660) as applied to claim 1 above, and further in view of McCabe. Parker discloses the claimed invention except for a shaft extending through a hole in the frame directly to the vane and a hub. McCabe teaches that it is known to provide electric power actuated damper with a shaft extending through the frame directly to the vane and a hub as shown at Figures 3 and 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the damper of Parker with a shaft extending through the frame directly to the vane and a hub, as taught by McCabe in order to provide a well known means of actuating the vane.

### ***Response to Arguments***

7. Applicant's arguments filed November 30, 2004 have been fully considered but they are not persuasive. Contrary to applicant's remark, the stepper motor of the Japa-

nese patent ('660) is directly coupled to the valve shaft. See the English translation, paragraph [0010]. In response to applicant's argument that the references fail to show "directly coupled" as defined by applicant's specification; it is noted although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. As to applicant's arguments as they relate to claims 2 and 20, the translated document states "a stepper motor 7 receives a signal from the control drive circuit", page 3, lines 5 and 6.

9. The remaining arguments are considered to be either responded to in the above rejections or not responded to here because they are clearly responded to in the disclosure of the English translated Japanese patent ('660).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

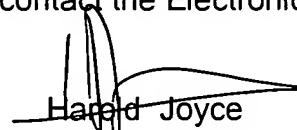
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Joyce whose telephone number is (571) 272-4876. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Harold Joyce  
Primary Examiner  
Art Unit 3749